UNITED STATES PATENT AND TRADEMARK OFFICE

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

EXAMINER
CHOKSHI, PINKAL R

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/578,828
Filing Date: May 09, 2006
Appellant(s): MEARS ET AL.

Brian J. Cromarty
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/04/2011 appealing from the Office action

mailed 01/05/2011.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 02/17/2011 was filed

after the mailing date of the Final Rejection on 01/05/2011. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-18

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| 2005/0086693 | Shintani | 4-2005 |
| 7,213,256 | Kikinis | 5-2007 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG

Pub 2005/0086693 A1 to Shintani et al (hereafter referenced as Shintani) in view of US Patent

7,213,256 B1 to Kikinis (hereafter referenced as Kikinis).

Regarding **claim 1,** "a method for enabling a channel search in a signal

processing apparatus" reads on the method use in performing a channel mapping

(abstract) disclosed by Shintani and represented in Fig. 2A.

As to "method comprising the steps of: generating a signal suitable for coupling

to a display device for displaying an on-screen menu" Shintani discloses (¶0061) that

the on-screen menu is presented to the user based on the request to search programs

on the signal.

As to "wherein said plurality of options includes a first option to individually select

which of a plurality of inputs to said signal processing apparatus are to be searched and

a second option to individually select which of a plurality of types of channels are to be

searched" Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the

user is provided with an option to select an input and a signal represented in Fig. 3.

Furthermore, Examiner would like to point out the claim language does not require to

search multiple input and/or multiple signals simultaneously.

As to "enabling a user to select an option for said channel search responsive to

said on-screen menu" Shintani discloses (¶0061) that the user selects an input to

search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enabling a user to select a

plurality of options responsive to said on-screen menu." However, Kikinis discloses

(col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search

for a program to the user as represented in Fig. 3b. Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to modify

Shintani's system by providing a plurality of options responsive to on-screen menu as

taught by Kikinis in order to save time by searching for multiple user desired options at

the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 2,** "the method wherein said plurality of inputs includes a cable

input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to

cable input and an antenna input.

Regarding **claim 3,** "the method wherein said plurality of types of channels

includes digital modulation channels and analog modulation channels" Shintani

discloses (¶0030) that the receiver receives analog/digital signals to perform channel

search.

Regarding **claim 4,** "the method wherein said plurality of options further includes

a third option to detect a type of signal received via least one of said plurality of inputs"

Shintani discloses (¶0038, ¶0051) that the controller determines the type signal

received via the input.

Regarding **claim 5,** "the method wherein said plurality of options further includes

a fourth option to search previously found channels" Shintani discloses (¶0028 and

¶0033) that the user manually input to rerun previously generated channel map to

regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068) that if

the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 6,** "the method further comprised of performing said channel

search according to said plurality of options selected by said user" Shintani discloses

(¶0052) that the search for channels is initiated based on the selected input and

selected signal as represented in Fig. 3 (element 324).

Regarding **claim 7,** "an apparatus for enabling a channel search" reads on the

apparatus use in performing a channel mapping (abstract) disclosed by Shintani and

represented in Fig. 2A.

As to "apparatus comprising: memory means for storing data used to generate a

signal suitable for coupling to a display device for displaying an on-screen menu"

Shintani discloses (¶0061) that the on-screen menu is presented to the user based on

the request to search programs on the signal.

As to "wherein said plurality of options includes a first option to individually select

which of a plurality of inputs to said apparatus are to be searched and a second option

to individually select which of a plurality of types of channels are to be searched"

Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the user is

provided with an option to select an input and a signal represented in Fig. 3.

Furthermore, Examiner would like to point out the claim language does not require to

search multiple input and/or multiple signals simultaneously.

As to "processing means for enabling a user to select an option for said channel

search responsive to said on-screen menu" Shintani discloses (¶0061) that the user

selects an input to search for channel search through on-screen menu provided to the

user.

Shintani meets all the limitations of the claim except "enabling a user to select a

plurality of options responsive to said on-screen menu." However, Kikinis discloses

(col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search

for a program to the user as represented in Fig. 3b. Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to modify

Shintani's system by providing a plurality of options responsive to on-screen menu as

taught by Kikinis in order to save time by searching for multiple user desired options at

the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 8,** "the apparatus wherein said plurality of inputs includes a

cable input and an antenna input" Shintani discloses (¶0044) that the receiver is

connected to cable input and an antenna input.

Regarding **claim 9,** "the apparatus wherein said plurality of types of channels

includes digital modulation channels and analog modulation channels" Shintani

discloses (¶0030) that the receiver receives analog/digital signals to perform channel

search.

Regarding **claim 10,** "the apparatus wherein said plurality of options further

includes a third option to detect a type of signal received via least one of said plurality of

inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal

received via the input.

Regarding **claim 11,** "the apparatus wherein said plurality of options further

includes a fourth option to search previously found channels" Shintani discloses (¶0028

and ¶0033) that the user manually input to rerun previously generated channel map to

regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068) that if

the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 12,** "the apparatus wherein said processing means enables

performance of said channel search according to said plurality of options selected by

said user" Shintani discloses (¶0052) that the search for channels is initiated based on

the selected input and selected signal as represented in Fig. 3 (element 324).

Regarding **claim 13,** "a video signal processor" reads on the method use in

performing a channel mapping (abstract) disclosed by Shintani and represented in Fig.

2A.

As to "processor comprising: a memory operative to store data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu" Shintani discloses (¶0061) that the on-screen menu is presented to the user based on the request to search programs on the signal. Shintani further discloses (¶0046) the receiver includes a memory that stores signal received from the input as represented in Fig. 2B (element 236).

As to "wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said video signal processor are to be searched and a second option to individually select which of a plurality of types of channels are to be searched" Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3. Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to "a controller operative to enable a user to select an option for said channel search responsive to said on-screen menu" Shintani discloses (¶0046, ¶0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enable a user to select a plurality of options responsive to said on-screen menu." However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify

Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 14,** "the video signal processor wherein said plurality of inputs includes a cable input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 15,** "the video signal processor wherein said plurality of types of channels includes digital modulation channels and analog modulation channels" Shintani discloses (¶0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 16,** "the video signal processor wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal received via the input.

Regarding **claim 17,** "the video signal processor wherein said plurality of options further includes a fourth option to search previously found channels" Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068)

that if the channel map exist, then the system retrieves it and scans it as represented in
Fig. 5.

Regarding **claim 18,** "the video signal processor wherein said controller is further
operative to enable performance of said channel search according to said plurality of
options selected by said user" Shintani discloses (¶0052) that the search for channels is
initiated based on the selected input and selected signal as represented in Fig. 3
(element 324).

(10) Response to Argument

With regard to the appellant's ARGUMENT section beginning on pg. 4 of the
appeal brief, the appellant has provided arguments addressing the 35 USC 103(a)
rejections of claims 1-18 under Shintani (US 2005/0086693) in view of Kikinis (US
7,213,256).

Appellant's argument against the cited art begin on pg. 4 of the brief and are
addresses as follows:

(A) – Rejection of claims 1, 7, and 13 under 35 USC 103

- Appellant alleges that Shintani and Kikinis, alone or in combination, fail to
  disclose providing options for both individual control over which inputs are
  scanned and which channel types are scanned and wherein said plurality
  of options includes a first option to individually select which of a plurality of
  inputs to said signal processing apparatus are to be searched and a

second option to individually select which of a plurality of types of

channels are searched. Examiner respectfully disagrees. Combination of

references were used to reject these limitations, where Shintani discloses

(¶0038, ¶0051) that the user is provided with an option to select an input

from multiple inputs and select a signal from plurality of signals upon

initiating the channel search as represented in Fig. 3 and Kikinis discloses

(col.3, lines 36-59) that the user is provided with a GUI, where GUI

includes a plurality of options to select to search represented in Fig. 3B.

Shintani discloses the two options, but not with a GUI having the options

being individually controlled. Kikinis was relied upon to teach that

limitation and applying the general teaching of Kikinis to Shintani results in

the claim language. The motivation would have been to save the time by

searching for multiple options at the same time and to increased

functionality. Furthermore, Appellant is analyzing the references

separately and not in combination especially with the statement Kikinis

does not represent one of the limitations of the present claims. Although

Kikinis does not teach that, but the combination of Shintani and Kikinis

does when applying the GUI of Kikinis to the tuning apparatus of Shintani.

So instead of showing options one by one as taught in Shintani, a GUI is

provided that show multiple options as taught in Kikinis. Therefore, the

combination of Shintani and Kikinis renders obviousness of the claim.

Furthermore, the Examiner would like to point out that that claim limitation

discloses providing plurality of options, however it does not require that the plurality of options are provided simultaneously.

- Appellant asserts that Shintani and Kikinis does not teach selecting a plurality of options for said channel search responsive to said on-screen menu. Examiner respectfully disagrees. As explained above, *it is the combination of Shintani and Kikinis that teaches providing options for channel search.*

(B) – Rejection of claims 2-6, 8-12, and 14-18 under 35 USC 103

- Appellant provide no further arguments over and above those previously presented with respect to deficiencies believed to exist in the references Shintani and Kikinis used to reject independent claims 1, 7, and 13. Accordingly, the rejection of claims 2-6, 8-12, and 14-18 is considered proper in light of the previously presented arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/PINKAL R CHOKSHI/

Examiner, Art Unit 2425

Conferees:

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425

/Andrew Y Koenig/

Supervisory Patent Examiner, Art Unit 2423